IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Sanjay Vs. State of Rajasthan & Ors.
D.B. HABEAS CORPUS WRIT PETITION NO.725/2007

Writ Petition under Article 226 of the Constitution of India.

DATE OF ORDER :: 2nd March, 2007.

PRESENT

HON'BLE MR.JUSTICE S. P. PATHAK
HON'BLE MR.JUSTICE G. S. SARRAF

Mr. S.D. Goswami for petitioner.
Mr. S.K. Vyas, G.A.
Mr. Devendra Singh Dev for respondent No.4.
Ms. Sushma Dhara, assisting lawyer.

BY THE COURT (PER HON'BLE PATHAK,J):

By this petition of habeas corpus, it was prayed that corpus viz., Jyoti be produced in the Court, alleging mainly in the petition that the petitioner was married with Jyoti, however, thereafter respondent No.4, the father of Jyoti, did not permit her to go with the petitioner.

A reply to the petition has already been filed stating that petitioner is a Taxi Driver and habitual offender, who by creating some false documents wants to somehow blackmail the corpus and disturb her family members by putting obstacles in the way of Jyoti's marriage who has already been engaged and the marriage is going to be solemnized soon.

The corpus was produced in the Court at 10:30 AM. She was relegated to our chambers in the company of assisting lady Advocate. After two hours, when we came to the chambers, we talked with the girl. It was found that she is major and is aged about 22 years. She was asked to write her statement and she has reduced her statement in her own handwriting. In her statement, she has specifically stated that she does not want to live with the petitioner. She has also stated that her engagement has already taken place and she is going to be married very shortly. She expresses her desire to go with her parents, who are also present here. The statement recorded has been signed by the corpus as well as by the Advocates appearing for the parties.

We are satisfied that corpus Jyoti has made her statement without any fear or under the influence of anybody. She is major and free to move according to her desire. It is requested by her that she alongwith her parents be left at Ganganagar in the police custody, therefore, we deem it proper to issue a direction to the SHO Pradeep, who has produced the Corpus in the Court that the corpus alongwith her father and mother be left at Gangangar in police protection.

In this matter, serious allegations of blackmailing and harassment meted out to the corpus by the petitioner have been made, and in such circumstances, we deem it proper to levy a cost of Rs.2,000/- on petitioner Sanjay and direct him to deposit the amount today itself in the legal aid fund with the Rajasthan State Service Authority before leaving the Court premises and deposit the receipt thereof in the Court.

No cause remains now to be decided in the petition and the petition stands disposed of.

(G.S. SARRAF)J. **(SATYA PRAKASH PATHAK)J.**

/jpa